

PB# 96-1

**CARMEN MONACO
LOT LINE CHANGE**

13-2-2, 3, 20 & 22

96 - 1 LOT LINE CHANGE:
CARMEN MONACO - Walsh Ave.

Approved 2/3/97

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

Received of Active Auto Sales, Inc. \$ 50.00Fifty and 00 100 DOLLARSFor Planning Board App Fee # 96-1

DISTRIBUTION

FUND	CODE	AMOUNT
CR 4255		50.00

By Dorothy H HansenTown Clerk

Title

© WILLIAMSON LAW BOOK CO. VICTOR, N.Y. 14564

Wilson Jones - Carbonless - 5/8x12 w/CL Dupl. - Street 19/04, Imprint
 Planning Board
 Town Hall
 555 Union Ave.
 New Windsor, N.Y. 12553
 MADE IN U.S.A.
 Wilson Jones, 1989

DATE January 3, 1996 RECEIPT NUMBER 96-1RECEIVED FROM Active Auto Sales, Inc.Address 120 Walsh Ave. - New Windsor, N.Y.One Hundred Fifty 00/100 DOLLARS \$ 150.00FOR Lot Line Change Escrow.

ACCOUNT		HOW PAID	
BEGINNING BALANCE	150.00	CASH	
AMOUNT PAID	150.00	CHECK	#4273
BALANCE DUE	-0-	MONEY ORDER	

BY A. Zappala
Mary Mason, Secy to the P.B.

Wilson Jones - Carbonless - 5/8x12 w/CL Dupl. - Street 19/04, Imprint
 Planning Board
 Town Hall
 555 Union Ave.
 New Windsor, N.Y. 12553
 MADE IN U.S.A.
 Wilson Jones, 1989

DATE 1-29-97 RECEIPT NUMBER 96-1RECEIVED FROM Active Auto Sales, Inc.Address 120 Walsh Rd. - New Windsor, N.Y.One Hundred Thirty-Nine 00/100 DOLLARS \$ 139.00FOR Addition to Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	139.00	CASH	
AMOUNT PAID	139.00	CHECK	#5183
BALANCE DUE	-0-	MONEY ORDER	

BY Mary Mason, Secretary

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, NY 12553

General Receipt

161101

Jan 30 1997

FUND	CODE	AMOUNT
CR - 1353		50.00

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By Dorothy H. Hansen
Town Clerk
 Title

Wilson Jones - Carbonless - 5162-4WCL Duplicate - 5163-117-1 Tripartite
 Planning Board
 Town Hall
 555 Union Ave.
 New Windsor, N.Y. 12553
 MADE IN U.S.A.
 © Wilson Jones, 1989

DATE January 3, 1996 RECEIPT NUMBER 96-1
 RECEIVED FROM Active Auto Sales, Inc.
 Address 120 Walsh Ave. - New Windsor, N.Y.
One Hundred Fifty 00/100 DOLLARS \$ 150.00
 FOR Lot Line Change Escrow.

ACCOUNT	HOW PAID
BEGINNING BALANCE <u>150 00</u>	CASH
AMOUNT PAID <u>150 00</u>	CHECK # <u>4273</u>
BALANCE DUE <u>- 0 -</u>	MONEY ORDER

BY A. Zappolo
Mary Mason, Secy to the P.B.

Wilson Jones - Carbonless - 5162-4WCL Duplicate - 5163-117-1 Tripartite
 Planning Board
 Town Hall
 555 Union Ave.
 New Windsor, N.Y. 12553
 MADE IN U.S.A.
 © Wilson Jones, 1989

DATE 1-29-97 RECEIPT NUMBER 96-1
 RECEIVED FROM Active Auto Sales, Inc.
 Address 120 Walsh Rd. - New Windsor, N.Y.
One Hundred Thirty-Nine 00/100 DOLLARS \$ 139.00
 FOR Addition to Escrow

ACCOUNT	HOW PAID
BEGINNING BALANCE <u>139 00</u>	CASH
AMOUNT PAID <u>139 00</u>	CHECK # <u>5183</u>
BALANCE DUE <u>- 0 -</u>	MONEY ORDER

BY Mary Mason, Secretary

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, NY 12553

General Receipt

111111

Received from Active Auto Sales, Inc. Jan 30 1997 \$ 100.00
One Hundred 00/100 DOLLARS
 For P.B. # 96-1

DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 5182		100.00

By Dorothy H. Hansen
Town Clerk
 TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

1/23/97
 Eng fee
 165.00

96-1

Map Number 41-97 City ☐ Town ☒ Village ☐ New Windsor
Section 13 Block 2 Lot 23
Title: Monaco, ^{20, 22} Carmen

Dated: Jan 2, 1997 (Rev) Filed Feb. 27, 1997
Approved by Edward Stent
on Feb. 3, 1997
Record Owner Monaca, Carmen

JOAN A. MACCHI
Orange County Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 02/03/97

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 96-1

NAME: MONACO, CARMEN LOT LINE CHANGE
APPLICANT: MONACO, CARMEN

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
02/03/97	PLANS STAMPED	APPROVED
01/08/97	P.B. APPEARANCE	LA:ND - APPROVED
01/02/97	WORK SESSEION APPEARANCE	READY FOR MEETING
03/06/96	REFERRAL SENT TO Z.B.A.	
01/10/96	P.B. APPEARANCE	REFERRED TO Z.B.A.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 02/03/97

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 96-1

NAME: MONACO, CARMEN LOT LINE CHANGE
APPLICANT: MONACO, CARMEN

---DATE---	DESCRIPTION-----	TRANS	---AMT-CHG	---AMT-PAID	---BAL-DUE
01/03/96	REC. CK. #4273	PAID		150.00	
01/10/96	P.B. ATTY. FEE	CHG	35.00		
01/10/96	P.B. MINUTES	CHG	27.00		
01/08/97	P.B. ATTY. FEE	CHG	35.00		
01/08/97	P.B. MINUTES	CHG	27.00		
01/27/97	P.B. ENGINEER FEE	CHG	165.00		
01/29/97	REC. CK. #5183	PAID		139.00	
		TOTAL:	289.00	289.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 02/03/97

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 96-1

NAME: MONACO, CARMEN LOT LINE CHANGE
APPLICANT: MONACO, CARMEN

---DATE---	DESCRIPTION-----	TRANS	---AMT-CHG	-AMT-PAID	---BAL-DUE
01/27/97	LOT LINE CHANGE APPROVAL FE	CHG	100.00		
01/29/97	REC. CK. #5182	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/08/97

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 96-1

NAME: MONACO, CARMEN LOT LINE CHANGE
APPLICANT: MONACO, CARMEN

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	01/04/96	MUNICIPAL HIGHWAY	01/06/96	APPROVED
ORIG	01/04/96	MUNICIPAL WATER	01/04/96	APPROVED
ORIG	01/04/96	MUNICIPAL SEWER	03/26/96	APPROVED
ORIG	01/04/96	MUNICIPAL FIRE	01/04/96	APPROVED

LOT LINE CHANGE FEES - TOWN OF NEW WINDSOR

APPLICATION (INCL. LOT LINE CHANGE):

LOT LINE CHANGE APPLICATION FEE

\$ 50.00

Pl

ESCROW (\$150.00 - \$400.00)

\$ 150.00

Pl

* * * * *

APPROVAL FEES: (LOT LINE CHANGE)

PRE-PRELIMINARY PLAT APPROVAL.....\$ 25.00

PRELIMINARY PLAT APPROVAL..... 25.00

FINAL APPROVAL..... 50.00

①

TOTAL APPROVAL FEES L.L.CHG.....\$100.00

* * * * *

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW:

PLANNING BOARD ENGINEER FEES:\$ _____

PLANNING BOARD ATTORNEY FEES:\$ _____

MINUTES OF MEETINGS\$ _____

OTHER\$ _____

See Print Out

TOTAL TO BE DEDUCTED FROM ESCROW: \$ 289.00

Less Escrow : 150.00

\$139.00 Due

②

AS OF: 01/24/97

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 96- 1

FOR WORK DONE PRIOR TO: 01/24/97

										-----DOLLARS-----			
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE	
.													
96-1	91638	01/10/96	TIME	MJE	MM	MONACO L/L DIS > ZBA	70.00	0.10	7.00				
96-1	91894	01/10/96	TIME	MCK	CL	MONACO/RVW COMMENTS	25.00	0.50	12.50				
96-1	91895	01/10/96	TIME	MCK	CL	MONACO/RVW COMMENTS	25.00	0.50	12.50				
96-1	91973	01/10/96	TIME	MJE	MC	MONACO L/L	70.00	0.50	35.00				

									67.00				
96-1	93578	01/31/96				BILL 96-165 2/12/96 PD					-54.50		

											-54.50		
96-1	95573	03/01/96	TIME	MJE	MC	MONACO L/L ZBA	70.00	0.50	35.00				

									35.00				
96-1	97832	03/31/96				BILL 96-277 4/11/96 PD					-47.50		

											-47.50		
96-1	21627	01/02/97	TIME	MJE	WS	MONACO L/L	70.00	0.30	21.00				
96-1	21663	01/08/97	TIME	MJE	MM	FINAL L/L APPROVAL	70.00	0.10	7.00				
96-1	22191	01/08/97	TIME	MJE	MC	MONACO L/L	70.00	0.50	35.00				
									=====	=====	=====	=====	
TASK TOTAL									165.00	0.00	-102.00	63.00	
.													
									=====	=====	=====	=====	
GRAND TOTAL									165.00	0.00	-102.00	63.00	

DATE: 1-8-77

* * * * *

* NEGATIVE DEC:

* M) A S) S VOTE: A 5 N 0

* CARRIED: YES: ☒ NO

* * * * *

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES _____ NO _____

APPROVAL:

M)W(S)LN VOTE: A 5 N 0 APPROVED: ✓ 1-8-97

M) S) VOTE: A N REFER. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS: _____

[illegible]

MONACO, CARMEN LOT LINE CHANGE (96-1) WALSH ROAD

Mr. William Hildreth appeared before the board for this proposal.

MR. PETRO: Let's keep our comments for number 3 to just the lot line change.

MR. HILDRETH: Last time the planning board saw this was just a little over a year ago when we were referred to the ZBA for a bunch of variances. This application is two pronged, excuse me, lot line change and site plan and they are tied together, lot line change and I will make this review as brief as I can, a lot of you probably remember it, the lot line change consists of making four tax lots and turning them into three. The reason for that is to separate the different aspects of the property onto their own lot.

MR. PETRO: Let me hold you up for one second, break your chain of thought, but you went, you were at this board I think we sent you to the zoning board?

MR. HILDRETH: Correct.

MR. PETRO: I know they are on the map just refresh us to the zoning variances that you received and why you went to the zoning board.

MR. HILDRETH: Sure. I was just getting to that.

MR. LUCAS: Where is this?

MR. HILDRETH: On Walsh Road right across from Freddy Thomspson, couple of lots down from Faracella.

MR. LUCAS: I know where it is.

MR. HILDRETH: You have never seen it because it's such a nice place.

MR. LUCAS: I know where it is. The variances we need as part of the lot line change were bulk variances for the single family lot which is northeast corner of the property on Walsh Road. It was non-conforming to begin

with and we made it worse in terms of the lot line change and the variances were granted for lot area, lot width, front yard setback, side yard setback, street frontage, developmental coverage. The most substantial of these were lot area and lot width. The square footage the 15,000 which means variance for 11,580 was granted, lot width is 100 feet, we're providing 58.69 so variance of 41.1 was granted, front yard setback was an existing condition but they granted the variance anyway. It's a zero setback, it's right at the corner, corner's right at the street line so they granted the variance 35 feet. Side yard variance minimum is 15 with a total of 30, we're providing 3.5 total of 10.7 so variance of 11.5 and 19.3 were granted. Street frontage was very close, we need 60, we have 58.69, variance of 1.31 was granted. Developmental coverage is a function of the small lot area minimum is 30 percent, we have 57 so we were granted a variance of 27 percent. The new lot line for that single family residence is going to follow an existing fence which separates that residence from the main building that you see on the plan. We'll get into the other uses later on if you wish. But the rest of the lot line change consists of separating the three mobile homes on their own lot. Again, we made that lot larger than it was so any of the pre-existing non-conformities were reduced so there was no variances required there.

MR. PETRO: The fence that is on the lot that is going to be the existing lot line change, that is what, a chain link fence?

MR. HILDRETH: Yes, everything you see on this plan in terms of physical features is existing and there are no improvements proposed. The square footage isn't going to change, the footprint isn't going to change, the site is functional as it is, all the pavement is there, parking spaces.

MR. DUBALDI: Who's lot is the fence on, is it tax lot 3 or tax lot 2?

MR. HILDRETH: It's been so long, Carmen, I know I dropped the line, I believe it was inside the fence, I may have dropped it on it, I will have to check that

out. You know, it's a good question, it's been so darn long since I did this, I don't remember, I may have followed it exactly.

MR. PETRO: Reason I brought it up is because it's only one foot off the trailer, somebody has to do some work on the trailer, it's going to be impossible if it's already existing it's been that way for years.

MR. HILDRETH: All the fences you see are there and there was no, but what Carmen was asking about was the single family lot, the chain link fence along the single family lot, I believe now that I am remembering anything about it, the lot line's inside on the house side of that fence because the fence was installed to close off the parking lot so but I don't remember by how much.

MR. LANDER: So the fence belongs to tax lot 2?

MR. HILDRETH: Fence is on tax lot 2.

MR. LANDER: Fence doesn't belong to tax lot 3?

MR. HILDRETH: Does not belong to the house lot, that is correct.

MR. HILDRETH: Balance of the lot line change is to combine all that is left of these four parcels into one parcel for the main building, that is the lot line change application.

MR. PETRO: How many lots are there now?

MR. HILDRETH: There are currently four tax lots.

MR. PETRO: You're eliminating one?

MR. HILDRETH: Correct, we're making the lot that the mobile homes are on larger, we're combining several pieces to that large lot and then the single family lot becomes smaller.

MR. PETRO: Do you have all your variances, I don't see, I don't think we have any problem with it,

gentlemen.

MR. LUCAS: I don't have a problem, like you say, they granted the variances, there's nothing physical that is going to change on that.

MR. PETRO: Nothing at all.

MR. HILDRETH: Not outside, inside yes, but that is part of the site plan, nothing in the residence, the residence itself, got people living there.

MR. LUCAS: Structurally nothing is going to change outside?

MR. HILDRETH: Nothing.

MR. DUBALDI: I make a motion we declare lead agency under the SEQRA process.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Monaco lot line change. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. HILDRETH: One more thing for the board, 62 notices were sent out at the public hearing.

MR. DUBALDI: How many people?

MR. HILDRETH: Nobody.

MR. PETRO: We have highway approval on 1/6/96 and is your approval on 3/26/96 and fire approval on 1/4/96 and water approval on 1/4/96. And this is again for

the lot line change.

MR. DUBALDI: Make a motion we waive the public hearing.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the Monaco lot line change on Walsh Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. DUBALDI: Motion we declare negative dec under the SEQRA process.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Monaco lot line change on Walsh Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: Mark, see anything else outstanding?

MR. EDSALL: No.

MR. LUCAS: Make a motion we approve Monaco lot line

January 8, 1997

17

change.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare final approval for the Monaco lot line change on Walsh Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

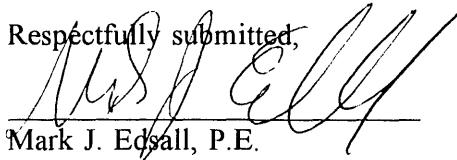
- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: MONACO LOT LINE CHANGE
PROJECT LOCATION: WALSH ROAD
SECTION 13-BLOCK 2-LOTS 2, 3, 20 AND 22
PROJECT NUMBER: 96-1
DATE: 8 JANUARY 1997
DESCRIPTION: THE APPLICATION INVOLVES A PROPOSED LOT LINE CHANGE BETWEEN FOUR (4) LOTS, TO CREATE THREE (3) NEWLY CONFIGURED LOTS. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 10 JANUARY 1996 PLANNING BOARD MEETING.

1. This application was reviewed at the 10 January 1996 Planning Board meeting and was referred to the Zoning Board of Appeals for necessary variances. Numerous area type variances were required. It is my understanding that the Applicant has received all of the necessary variances from the ZBA; this can be confirmed with the Attorney.
2. As the Board is aware, there is a "companion" application for a proposed site plan approval. All of the issues related to the uses on the site are being addressed as part of Application 96-2.
3. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.
4. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
5. At this time, I am aware of no additional outstanding issues or concerns with regard to this lot line change application.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:MONAC-L2.mk

-----x
In the Matter of the Applicaton of

CARMEN MONACO

**MEMORANDUM OF
DECISION GRANTING
USE & AREA VARIANCES**

#96-29
-----x

WHEREAS, CARMEN MONACO, of 120 Walsh Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for the following: Lot #2-Use variances for multi-family, service establishment, used car sales, area parking spaces. Lot #3: Proposed 11,580 s.f. lot area, 41.31 ft. lot width, 35 ft. front yard, 11.5 ft. side yard, 19.3 ft. total side yard, 1.31 ft. required frontage, 21%developmental coverage for lot line change, three lots from four, at the above location in an R-4 zone; and

WHEREAS, a public hearing was held on the 12th day of August, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board for this proposal himself and by William Hildreth, L.S. and Daniel J. Bloom, Esq.; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a mixed residential and commercial property on which there are a number of uses located in a mixed residential and commercial zone.

(b) The Applicant seeks a number of bulk variances in order to effect a lot line change to make the lot lines more compatible with the existing uses and also seeks a use variance for multi-family use for the site.

(c) The other uses for the site appear to be pre-existing zoning.

(d) The property in question is comprised of four separate tax lots. The proposed lot line change will convert those four lots into three lots if granted.

(e) At the time of the purchase by the present owner, this property contained a single-family residence, three mobile homes and a large frame structure that contained some apartments, a machine shop and two garages. Since that time as a result of an Order to Remedy issued by the Town of New Windsor, two more apartments were constructed in the large frame building.

(f) The remaining former garage is vacant and has no tenant. The Applicant asks permission to install a fifth apartment in that space.

(g) The Applicant's purpose in seeking bulk variances to facilitate lot line changes is to "clean up" some encroachment over the existing property lines as they existed when the present owner purchased the property. It is also designed to separate the uses so that it will not be a mixed residential and commercial use on a single tax lot.

(h) The footprint of the property and its over-all layout will not change if variances are granted and the existing uses of the property will not change with the exception of the addition of a fifth apartment.

(i) The appearance of the property has greatly improved since the time it was acquired by the present owner, the Applicant herein.

(j) The property as it existed when the Applicant purchased it contained a machine shop, two apartments, an auto repair shop and an auto detail shop. The commercial uses were noisy, unattractive and incompatible with residential use. By this Application the Applicant seeks to permit more residential use and to eliminate the possibility of these noisy and unsightly commercial uses.

(k) An Affidavit was produced from a prior owner and occupant of the property showing that the property was used in part as an automobile repair shop since well before the enactment of the Zoning Code.

(l) A second Affidavit from a second deponent came from the wife of a person who used to sell cars on the property again establishing that that use pre-dated zoning.

(m) It appears that the trailers to the rear of the property have been there since the enactment of the Zoning Code. The location of the proposed fifth apartment would be contiguous to the existing four apartments and consistent with that existing usage.

(n) The state and local Fire Code prohibits maintaining an automobile repair shop next to a residence so the existing shop could not be used for any purpose in which an automobile is

brought into the shop including the former automobile glass business, making a use as an apartment the only available use for that portion of the property.

(o) It appears that it will be permissible to expand the existing apartments into the space proposed for the new apartment and, therefore, the building would be entirely used for residential use.

(p) Not only is commercial usage involving the driving of an automobile prohibited by State Code but the physical layout of the site would prohibit the Applicant from providing the parking called for by the New Windsor Zoning Code for a commercial use.

(q) Although variances are requested for the number of parking spaces that are allowed it appears that given the present uses of the property, the supplied parking is adequate and that there is no parking on the adjacent roadway.

(r) An Affidavit was presented from the Applicant's CPA containing a cash flow analysis concerning the income producing structures on the properties and it shows a substantial monetary loss to the Applicant if the requested use variance is not granted, so that that property cannot be operated so as to produce a profit and is, therefore, not desirable or valuable without the variance.

(s) The property is too small and unsuited for the other possible uses listed in the R-4 zone making the only possible use of this property as residential.

(t) Testimony was received from a certified real estate appraiser on behalf of the Applicant. The testimony of the real estate appraiser showed that without the requested use variance the owner of the property, in this case the Applicant, cannot realize a reasonable return from the property since he would be unable to realize a profit yearly much less be able to amortize the \$165,000. purchase price of the property.

(u) It appears that if the use variance applied for were denied, the property would be worth approximately \$33,400. The income from the other properties, e.g. the trailers, was not calculated into this since there is only one lot on which a use variance is sought and these other uses are not contained on that lot.

(v) According to the Building Inspector, it is not technically feasible for the Applicant to remove that apartment and put in a one-family home and that use under the Zoning Code is not feasible.

(w) Although the lot on which the single-family home is presently located is already substandard and the requested variances if granted would increase the degree by which this lot is substandard, it appears that the new lot is more desirable than the existing lot, even considering the reduced size and there will have no impact on the neighboring properties.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the

following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted because the appearance of the properties will be unaffected and the benefits in realigning the lot lines to conform with the existing uses of the properties far outweighs any possible detriment.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created in part because he is reordering and realigning the existing property but is not self-created in that the affected properties do not increase nor does the footprint of the structures located thereon increased inspite of the requested variances. Variances should nevertheless be granted.
6. The benefit to the Applicant if the requested variances are granted, if granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.
9. The Applicant cannot realize a reasonable return on the property without the granting of a use variance for the installation of two more apartments. That lack of return is substantial as demonstrated by the competent financial evidence presented by the testimony of Applicant's expert.
10. The hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood since this property is unique and there is no other property to the knowledge of the members of the Zoning Board of Appeals either in this district or without the district like this property.

11. The requested use variance if granted will not alter the essential character of the neighborhood since that character is as a mixed commercial and residential use and such proposed use would be consistent with the residential use in the neighborhood.

12. The alleged hardship has not been self-created because the minimum area requirements of the Zoning Code and the requirements of the state and local Fire Codes prohibit any other use other than for which this variance is sought.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT the variances requested in the first paragraph above listed, at the above location, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: December 9, 1996.


Chairman

B.2.

ZONING BOARD OF APPEALS

Summer Session

August 12, 1996

AMENDED AGENDA:

7:30 p.m. - Motion to accept minutes of the 07/08/96 meeting as written if available.

PRELIMINARY MEETING:

- NO SHOW*
- ✓ 1. ANNICET, CLAUDINE - Request for 16 ft. 5 in. rear yard variance for proposed deck on corner lot at 24 Hudson Drive in an R-4 zone. (44-1-1).
- SET UP FOR P/H*
- ✓ 2. ERNENWEIN (ROSENBAUM) - Request for 5 ft. rear yard and 2 ft. maximum building height variances for Rosenbaum building located at 389 Route 32 in a C zone. (65-2-16.1).

PUBLIC HEARINGS:

- APPROVED*
- ✓ 3. EACHUS, CHRIS - Request for variance for 55% developmental coverage to construct pool at 110 Clancy Avenue in an R-4 zone. (13-15-2).
- APPROVED*
- ✓ 4. MONACO, CARMEN - Referred by P.B. for the following: Lot. #2-Use variances for multi-family, service establishment, used car sales; area: parking spaces. New Lot #3 proposed: 11,580 s.f. lot area, 41.31 ft. lot width, 35 ft. front yard (pre-existing), 11.5 ft. Side yard, 19.3 ft. Total side yard, 1.31 ft. required frontage, 27% dev. coverage for lot line change (three lots from four) at Walsh Avenue in R-4 zone. Present: William Hildreth, L.S. (13-2-2,3,20,22).

FORMAL DECISIONS: (1) Kim (Sugar Peas)

(2) Wal-Mart/HVFCU

(3) Johnson

(4) Helmer/Insul-Sash

(5) Petronella

(6) Lindemann

(7) Tepper

(8) Schultz

(9) Abbott

APPROVED

Pat - 563-4630 (o)

562-7107 (h)

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

#1 ZBA 6-10-96
SET UP FOR P/H

#2 ZBA 8-12-96

APPROVED

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 96-1

DATE: 1 MAR 96

APPLICANT: CARMEN MONACO

120 WALSH AVE

NEW WINDSOR N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 19 DEC 95

FOR (~~SUBDIVISION~~) (~~SITE PLAN~~) LOT LINE CHANGE

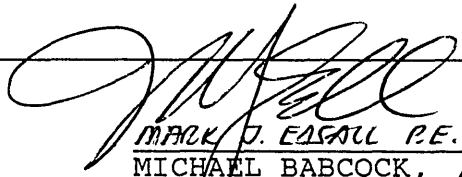
LOCATED AT WALSH AVE

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 13 BLOCK: 2 LOT: 2, 3, 20, 22

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

MULTIPLE AREA TYPE VARIANCES REQ'D.


MARK J. ESALL P.E.
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R-4</u> USE <u>SFR</u>		
MIN. LOT AREA	<u>15,000</u>	<u>3,420</u> <u>11,580</u>
MIN. LOT WIDTH	<u>100</u>	<u>58.69</u> <u>41.31</u>
REQ'D FRONT YD	<u>35</u>	<u>0</u> <u>35</u> EXISTING CONVICTION
REQ'D SIDE YD.	<u>15</u>	<u>3.5</u> <u>11.5</u>
REQ'D TOTAL SIDE YD.	<u>30</u>	<u>10.7</u> <u>19.3</u>
REQ'D REAR YD.	<u>40</u>	<u>42</u> <u>-</u>
REQ'D FRONTAGE	<u>60</u>	<u>58.69</u> <u>1.31</u>
MAX. BLDG. HT.	<u>35</u>	<u>< 35</u> <u>-</u>
FLOOR AREA RATIO	<u>N/A</u>	<u>-</u> <u>-</u>
MIN. LIVABLE AREA	<u>1000</u>	<u>1069</u> <u>-</u>
DEV. COVERAGE	<u>30%</u> %	<u>57</u> % <u>27</u> %
O/S PARKING SPACES	<u>-</u>	<u>-</u> <u>-</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

Fire Insp.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

MARCH 4, 1996

PROPERTY ASSESSED TO: CARMEN DOMACO
120 WALSH AVENUE
NEW WINDSOR, N.Y. 12553
SECTION 13, BLOCK 2, LOT 2

DEAR SIRs:

PLEASE BE ADVISED THAT THE ABOVE REFERENCED STRUCTURE WAS BUILT 1932 WHICH WAS PRIOR TO THIS TOWN ADOPTING BUILDING AND ZONING CODES IN 1966. THEREFORE, THERE IS NO CERTIFICATE OF OCCUPANCY NOR IS ONE REQUIRED.

THE ASSESSOR'S RECORDS INDICATES TWO (2) APARTMENTS AND TWO (2) BUSINESSES WERE CONVERTED TO FOUR (4) APARTMENTS AND TWO (2) BUSINESSES IN 1994 WITHOUT A BUILDING PERMIT. THE ASSESSOR'S RECORDS ALSO INDICATE THE CONSTRUCTION OF AN ADDITION, A ONE (1) STORY BLOCK BUILDING, WITHOUT A BUILDING PERMIT. ALSO BE ADVISED THAT THE ADDITION IS PARTIALLY LOCATED ON SECTION 13, BLOCK 2, LOT 3.

ENCLOSED, PLEASE FIND A COPY OF A REPORT FROM THE OFFICE OF THE FIRE INSPECTORS

WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO OTHER VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY OTHER VIOLATIONS AT THE SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE 192 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR
TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE
INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF
COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED
AND IS IN OPERATION.

VERY TRULY YOURS,

MICHAEL BABCOCK
BUILDING INSPECTOR

MS:ldm

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

December 15

1200
15th Ave.
New Windsor, N.Y. 12553

1200 Apartments
1200 15th Ave.
New Windsor, N.Y. 12553
Sec/Block/Lot: 13/2/2

Re: Permits:

On 13 December 1993 a site visit at the above referenced facility was conducted to determine the feasibility of allowing four (4) apartment units to remain within a multiple occupancy use building. Areas to be addressed in the building permit process specific to the multiple dwelling use only were as follows:

- 1.) All plumbing piping shall be securely fastened to structural members in accordance with Plumbing Code requirements and generally accepted construction practices.
- 2.) All accumulations of combustible storage shall be removed from furnace room enclosure.
- 3.) Electrical distribution box circuit breakers shall be labeled to which branch circuits they affect, as well as the apartment number.
- 4.) A two (2) hour U.L. approved fire rated enclosure shall be provided for both furnace rooms; under the stairs and in concealed space on second floor.
- 5.) A three-quarter 1 - 1 1/2 hour u.l. approved, self closing opening protective shall be provided for both furnace room; under the stairs and in concealed space on second floor.
- 6.) All natural gas heating appliances (furnaces and hot water heaters) shall have "spill damper" control switches installed which would automatically terminate unit operation should flue pipe become clogged.
- 7.) Emergency lighting shall be provided for apartment hallway which would automatically illuminate the area during electrical power failures.

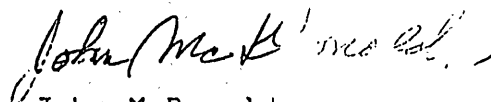
8.) The second floor concealed space where the furnace and water heater are located shall be provided with ventilation directly from the exterior only.

9.) Stairwell hallway to second floor does not provide the required head room as required by New York State Uniform Fire Prevention and Building Code requirements. An appeal Board would have to be obtained.

These areas are only a partial listing of an overall project that he required to be addressed under the building permit process. The only specific to the areas of concern that were brought up at a meeting in November on the project. Although, originally the areas may have been prohibited, the New York State Uniform Fire Prevention and Building Code allows alternative methods to allow greater area of feasibility.

Should you have any further questions or concerns, please feel free to contact me at 563-4602.

Very truly yours,



John McDonald
Fire Inspector

JHM: r
Michael Babcock, Building Inspector
William Heldreth



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

MARCH 4, 1996

PROPERTY ASSESSED TO: MARY G. FAIRCELLIA (CARMEN MONICO)
126 WALSH AVENUE
NEW WINDSOR, N.Y. 12553
SECTION 13, BLOCK 2, LOT 3

DEAR SIRs:

PLEASE BE ADVISED THAT THE ABOVE REFERENCED STRUCTURE WAS BUILT 1940 WHICH WAS PRIOR TO THIS TOWN ADOPTING BUILDING AND ZONING CODES IN 1966. THEREFORE, THERE IS NO CERTIFICATE OF OCCUPANCY NOR IS ONE REQUIRED.

PLEASE BE ADVISED THAT AN ADDITION FROM SECTION 13, BLOCK 2, LOT 2 IS PARTIALLY LOCATED ON THIS PROPERTY.

THE ASSESSOR'S RECORDS INDICATE THE CONVERSION TO OFFICE SPACE FOR ACTION AUDIO WITHOUT A BUILDING PERMIT. ALSO THE CONSTRUCTION OF A FENCE WITHOUT A BUILDING PERMIT.

PLEASE BE ADVISED THAT A BUILDING PERMIT #1516 WAS ISSUED FOR A CORNER. TO DATE NO CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED FOR THIS PERMIT.

WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO OTHER VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY OTHER VIOLATIONS AT THE SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED AND IS IN OPERATION.

VERY TRULY YOURS,

MICHAEL BABCOCK
BUILDING INSPECTOR

MB:ldm



1763

MARCH 4, 1996

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

PROPERTY ASSESSED TO: CARMEN MONICO
134 WALSH AVENUE
NEW WINDSOR, N.Y. 12553
SECTION 13, BLOCK 2, LOT 20

DEAR SIRs:

THE ASSESSOR'S RECORDS INDICATE THAT THIS PROPERTY IS VACANT PROPERTY.

WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE NO VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY VIOLATIONS AT THE SUBJECT PREMISES.

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VERY TRULY YOURS,

MICHAEL BARCOCK
BUILDING INSPECTOR

MB:ldm



1763

MARCH 4, 1976

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

PROPERTY ASSESSED TO: CARMEN MONDLO
23 WALSH AVENUE
NEW WINDSOR, NY 12553
SECTION 13, BLOCK 2, LOT 22

DEAR SIR:

THE ASSESSOR'S RECORDS INDICATE THAT THREE (3) TRAILERS EXIST ON THIS PROPERTY WITHOUT PROPER BUILDING PERMITS AND THAT ONE TRAILER WAS REMOVED AND REPLACED WITHOUT A BUILDING PERMIT.

WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO OTHER VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY OTHER VIOLATIONS AT THE SUBJECT PREMISES.

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TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED AND IS IN OPERATION.

VERY TRULY YOURS,

MICHAEL BABCOCK
BUILDING INSPECTOR

MB:Jdm

MONACO, CARMEN LOT LINE CHANGE (96-1) WALSH ROAD

William Hildreth appeared before the board for this proposal.

MR. HILDRETH: This is long and complicated so bear with me. The applicant, Mr. Monaco, fully intended to be here and will be at subsequent meetings I'm sure but with weather and whatnot, he couldn't make it. This plan that is before you now is a combined plan, prepared in order to explain and map out as best we could all the things that are going on. Initially, I'd like to give you a little history of the property to explain why we need to do certain things. Currently, this property is four tax lots. If you look at the location plan in the upper right corner, you can see that the four tax lots, two fronting on Walsh Avenue, two fronting on Clancy Avenue, the entire property is in an R-4 zone, the current uses on this property are single family residence, three mobile homes and several commercial uses, well, not several, several other uses involving this large L-shaped building. There's currently four apartments in there, there's 1,500 square feet on the ground floor facing Walsh Road. It has a sewing machine shop, a woman makes curtains, there's an auto glass shop in a concrete block garage here currently that is going to be ceased as part of this. I'll get into that later. There's also an office for used car sales. That is the current use and lot configuration. The first thing we'd like to do is a lot line change.

MR. DUBALDI: You need a variance for that, no?

MR. HILDRETH: We'll get to that. Yes, we do, at least one. What we're going to do is take the four tax lots and turn them into three lots. The restructuring the lot line has been done in order to keep all of the uses on their on lot, i.e., the single family residence is all going to be inside the newly structured lot, the three mobile homes will all be inside the newly structured lot. The remaining uses will all be part of the third lot. The reason for that is if you look at the lot line change portion, which is in the center of this map, you can see where one of the mobile homes

hangs over the lot line a little bit. You have got an overhang of use between this large L-shaped building over tax lots 2 and 3, so we have redone this to separate all of that. Go along an existing fence for the single family home and also for the mobile home park and then clearing the back of the mobile home to make sure that it stays on the lot.

MR. DUBALDI: Can I just ask a quick question? Why is this being done?

MR. HILDRETH: All right, initially the reason a plan had to be prepared at all is the applicant was served with an Order to Remedy because of a fourth apartment in this building here. He had three apartments. He purchased the property in 1988. When he purchased the property, there were three apartments there. At some point in time, he happened to be going through a divorce, he needed a place to live, he had the space, he set up an apartment here and moved in. Once he got squared away and found another place to live, he got this apartment so he rented it out, not knowing he needed permits or anything like that. He had, the work was done by licensed electricians and all this.

MR. PETRO: If Mickey Rooney did that, he'd have a real nice complex going.

MR. HILDRETH: And as you know, once a site plan has to be prepared, you take, and take a pre-existing site like that, this is completely covered with nonconformities and bulk deficiencies, they all have to be addressed. So it has taken a lot of effort and a lot of thought to get to this point because as I said a little bit earlier, there's an auto glass shop in the area that is shown as a proposed apartment. One of the problems is that use cannot exist and Mike Babcock can help me here next to a multi-family.

MR. PETRO: How is the lot line change going to affect this problem or help solve the problem?

MR. HILDRETH: Okay, it's my thought that it would solve it because you don't want to have, since the applicant owns all four lots, he now has the ability to

put all of the uses as he purchased the property, he has not changed a footprint or a location of any buildings since he bought it. So we have the ability since we have to bring this plan before the board to clean up some of these problems with like a mobile home hanging over one of the lots and put all of these uses that are in this center area on one lot. Because as I said, there's a used car auto sales and he parks back here.

MR. PETRO: Show me the lot line change.

MR. EDSALL: Bill, maybe you can post this one, if you want.

MR. HILDRETH: Okay, you have the colors.

MR. EDSALL: So you can understand it, this helps you out, the orange is the proposed lines, the pink shows the four lots as they exist.

MR. HILDRETH: Strictly speaking now for the lot line change, the pink, if that is the right color, you have got a big X here, you have got four lots existing, four tax lots, that is the way he bought it. We're going to now make along this orange line new lot line for the single family home. Obviously, it's deficient. It's already deficient in its original and it's going to become more deficient. However, there's an existing fence along which we have, that is why the line is jogged like it is and visually, when you look at it, this house belongs inside that fence. The other lot line is being moved from the pink line over to the orange line around the mobile homes in order to contain all of those mobile homes without, they have been there since 1963. So you don't want to move them.

MR. PETRO: They have access by Clancy Avenue.

MR. HILDRETH: Okay, now you have seen that, you can look at this plan here. All of the mobile home park access is off of Clancy Avenue. There's no through access with the exception of one little gate that is shown and the fence. There's room for parking off Clancy Avenue out in front and that is where they park

as you can see by the sidewalks that lead out there so that is also sort of a little self-contained corner as is the single family residence, they have parking available in front of that on the lot as we have restructured it as well.

MR. STENT: Bill, is there used car sales going on there now on Clancy Avenue?

MR. HILDRETH: All right, no, there's a fence along the property line that encloses an area that he uses to park cars.

MR. STENT: For the glass business?

MR. HILDRETH: No, this is where he parks them for car sales. He says six or eight cars at a time he moves them pretty quickly and they don't stay there very long, if he has a car that doesn't move quickly, he's got another lot that he takes it to.

MR. PETRO: That is only off Walsh Road.

MR. HILDRETH: This parking lot here comes off Walsh Road.

MR. PETRO: I have been on that lot, that particular parking lot is well fenced. You can't go from there to Clancy.

MR. HILDRETH: There's a fence along Clancy Avenue here that turns and goes up but it actually ties into the mobile home and then there's another fence that comes off the other side of the mobile home in which there's a gate. So this is all self-enclosed and there's also a fence over here. The used car sales office is identified here on the site plan. We're also departing from the lot line change but this dovetails and this proposed apartment is what's currently the auto glass place but it's been determined that that auto glass use cannot exist adjacent to this building within which there are four apartments. So what he is going to do we spent a lot of time trying to, he's got a good paying tenant there, we spent a lot of time trying to save it, we couldn't, he's got to get rid of him. We

can't find a use commercially to replace this commercial use that will be compatible so he is going, he wants part of the proposal is to turn it into an apartment.

MR. PETRO: Fifth apartment?

MR. HILDRETH: Correct.

MR. STENT: There is no problem with the downstairs business going underneath those apartments?

MR. HILDRETH: Used to be a machine shop.

MR. BABCOCK: Right.

MR. STENT: There is no problem with apartments over top of that?

MR. HILDRETH: Those two apartments are pre-existing ones and what I, what he's got in the machine shop is a sewing machine shop.

MR. PETRO: I'm going to move it along. You have got the lot line changes, I see the configuration the, board sees the configurations, you're going to need variances so--

MR. HILDRETH: This is already a substandard lot with respect to square footage and I believe lot width, street frontage was okay but we're decreasing the frontage so that is a variance we're going to need.

MR. PETRO: Obviously setbacks.

MR. HILDRETH: Decreasing the rear yard, that is another variance we're going to need. We're decreasing side yard, although one side is okay, the pre-existing side yard isn't, so the total change is smaller number.

MR. PETRO: Most of the buildings are encroached over the property line so you are going to make a situation better by keeping it on the lot.

MR. HILDRETH: That is the idea behind the lot line.

MR. PETRO: That is up to the zoning board so we'll need your, just at this point, looking for referral to the zoning as far as lot line change is concerned.

MR. HILDRETH: And we'd like to do the lot line change first, yes.

MR. PETRO: Can I have a motion to approve this?

MR. STENT: Make a motion we approve.

MR. DUBALDI: No, no, lot line change, I second the lot line change motion.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the lot line change for the Monaco site plan.

MR. EDSALL: Just Monaco lot line change.

MR. PETRO: Is there any further discussion from the board members? if not, roll call.

ROLL CALL

MR. STENT	NO
MR. DUBALDI	NO
MR. PETRO	NO

MR. PETRO: You have now been referred to the New Windsor Zoning Board for the necessary variances. Once you have those variances, you may come back to this board and be put on the next available agenda.

MR. HILDRETH: It's my hope to clear all this up and go to the Zoning Board.

ZONING BOARD OF APPEALS
Regular Session
June 10, 1996

FB
For Mike
TRANSPOSE

AGENDA:

7:30 p.m. - Roll Call

Motion to accept minutes of the 05/13/96 meeting as written if available.

R&File Decision: BELLE, PIERRE v. ZBA Article 78 Proceeding *RtF*.

PRELIMINARY MEETING:

1. CUTTICA, RON and RAMONA - 2nd Preliminary. Request for 5 ft. fence in variation of Section 48-18B(1) of the Suppl. Yard Regs. (Corner lot) at 104 Willow Avenue in an R-4 zone. (63-1-10). *OK for P.H.*
2. MONACO, CARMEN - 2nd Preliminary. Referred by P.B. for the following: Lot #2- Use variances for multi-family, service establishment, used car sales; area: parking spaces. New Lot #3 proposed: 11,580 s.f. lot area, 41.31 ft. lot width, 35 ft. front yard (pre-existing), 11.5 ft. side yard, 19.3 ft. total side yard, 1.31 ft. required frontage, 27% dev. coverage for lot line change (three lots from four) at Walsh Avenue in R-4 zone. Present: William Hildreth, L.S. (13-2-2,3,20,22). *Motion to Sched P.H. 5-0*
3. MORFE, CARMEN - Request for 2 ft. side yard and 18 ft. rear yard variance for existing pool at 350 Butternut Drive in a CL-1 zone. (80-6-13). *Motion to sched P.H. 5-0*
4. SCHULTZ, ROBERT - Request for 19.2 ft. rear yard variance for existing deck at 23 Farmstead Road in an R-4 zone. (27-2-6.1). *Motion to Sched P.H. 5-0*
5. CASTRO, DAN - Request for 9 ft. rear yard variance for proposed deck at 29 Kings Road in an OLI zone. (32-1-10.22). *Q. regarding side yard. Motion to sched. P.H. 5-0*
6. TEPPER, ESTHER - Request for 4 ft. 5 in. rear yard variance for existing deck at 328 Nina Street in an R-4 zone. (73-2-20). *Motion to Sched. P.H.*

PUBLIC HEARING:

7. LINDEMANN, MARJORIE - Request for 20 ft. Rear yard variance for existing attached pool deck at 203 Shore Drive in an R-4 zone. (62-9-40). *Granted 5-0 No opposition*
8. PETRONELLA, FRANCESCO - Request for 5 ft. 5 in. Rear yard and 10 ft. Frontage variances for two-family residence which is allowed in an R-3 zone at 455 Riley Road. (35-1-3.32). *Letter from DEP requested fence. (He has). Granted 5-0.*

FORMAL DECISIONS: (1) Cicio (2) T&H Realty (3) Nasta (4) Rothstein *Accepted all*
5-0.

Pat - 563-4630 (o)
562-7107 (h)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96-1

DATE PLAN RECEIVED: RECEIVED 3 1996

The maps and plans for the Site Approval ✓

Subdivision _____ as submitted by

_____ for the building or subdivision of

CARMEN MONACO has been

reviewed by me and is approved ✓,

disapproved _____.

If disapproved, please list reason _____

HIGHWAY SUPERINTENDENT _____ DATE _____

WATER SUPERINTENDENT _____ DATE _____

[Signature] 3-26-96
SANITARY SUPERINTENDENT _____ DATE _____



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: MONACO LOT LINE CHANGE
PROJECT LOCATION: WALSH ROAD
SECTION 13-BLOCK 2-LOTS 2, 3, 20 AND 22
PROJECT NUMBER: 96-1
DATE: 10 JANUARY 1996
DESCRIPTION: THE APPLICATION INVOLVES A PROPOSED LOT LINE CHANGE BETWEEN THE FOUR (4) INDICATED LOTS, TO CREATE THREE (3) NEWLY CONFIGURED LOTS. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. In general, Lot 3, the lot with the single-family residence, is being reduced in size. Lot 22 is being somewhat increased in size to address an encroachment of an existing mobile home. Lots 2 and 20 are being combined, thus actually increasing the area of Lot 2. As such, it is my understanding that the only lot which would require area variances relative to this application would be Lot 3. The Board, and the Attorney, should confirm my understanding, such that the proper referral to the Zoning Board of Appeals can be prepared.

Based on my review of the plan, it is my opinion that Lot 3 would also require a rear yard setback variance.

2. All issues with regard to the uses on the property will be considered as part of the Monaco site plan application, Planning Board file 96-2. As such, it is my understanding that the scope of review for this lot line change application is limited to the above.
3. Once the Applicant receives the necessary variances from the Zoning Board of Appeals, and they return to the Planning Board, the required procedural steps for lot line change approval should be addressed.

Respectfully submitted,

Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:MONAC-L.mk

RESULTS OF P.B. MEETING

DATE: January 10, 1996

PROJECT NAME: Menaco, Carmex Lot Line Change PROJECT NUMBER 96-1

* * * * *

LEAD AGENCY:

* NEGATIVE DEC:

M) S) VOTE: A N

* M) S) VOTE: A N

CARRIED: YES NO

* CARRIED: YES: NO

* * * * *

PUBLIC HEARING: M) S) VOTE: A N

WAIVED: YES NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) 5 S) 0 VOTE: A 0 N 3 YES ✓ NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Combining 4 tax lots into 3 tax lots

P.B. #96-1 Application Fee

4255

ACTIVE AUTO SALES, INC.

120 WALSH RD.
NEW WINDSOR, NY 12553 563-0305

50-7099/2219

12 20 19 95

PAY

TO THE

ORDER OF

Town of New Windsor

\$ 50.⁰⁰/₁₀₀

Fifty and ^{xx}/₁₀₀

DOLLARS

POUGHKEEPSIE

SAVINGS BANK, FSB

NEWBURGH OFFICE
136 LAKE STREET, SUITE 10
NEWBURGH, NEW YORK 12550

FOR app fee



⑈004255⑈ ⑆221970993⑆ 8701400760⑈

P.B. # 96-1 FSCROW

4273

563-0305
ACTIVE AUTO SALES, INC.

120 WALSH RD.
NEW WINDSOR, NY 12553

50-7099/2219

1 2 19 96

PAY

TO THE

ORDER OF

Town of New Windsor

\$ 150.⁰⁰/₁₀₀

One hundred fifty and ^{xx}/₁₀₀

DOLLARS

POUGHKEEPSIE

SAVINGS BANK, FSB

NEWBURGH OFFICE
136 LAKE STREET, SUITE 10
NEWBURGH, NEW YORK 12550

FOR Lot Line Change Exp W



⑈004273⑈ ⑆221970993⑆ 8701400760⑈

Deed Indenture,

LIBER 1804 PG 588

96-1
RECEIVED JAN 3 1996

Made the 23rd day of September
Nineteen Hundred and sixty-eight

Between Ralph C. Brander, residing at (no street or number)
Rosendale, Ulster County, New York

LOT 3

part^y of the first part, and

~~XXXXXXXXXXXXXXXXXXXX~~ Mary G. Faricellia, ~~XXXXXXXXXXXXXXXXXXXX~~
residing at 134 Walsh Avenue, New Windsor, Newburgh, Orange County,
New York

part^y of the second part,
Witnesseth that the part^y of the first part, in consideration of

Ten ----- Dollars (\$ 10.00)
lawful money of the United States, and other good and valuable considerations
paid by the part^y of the second part, does hereby grant and release unto the
party ~~xxx~~ of the second part ~~xxxx~~ heirs, executors, / and assigns forever, all
her administrators

All that tract or parcel of land, situate in the Town of New Windsor,
County of Orange and State of New York, being lots numbered four hundred
forty-nine (449) and four hundred fifty (450) on a map or plan of City Park
dated August 16, 1909, made by A. L. Eliot, Civil Engineer, and filed in the
office of the Clerk of Orange County, August 30, 1909 and more particularly
described as follows, to wit:

Bounded; northeasterly by Walsh's Road sixty (60) feet; southeasterly
by lot 448 on said plan one hundred and 75/100 (100.75) feet; southwesterly
by lots 463 and 464 on said plan sixty (60) feet; northwesterly by lot
451 on said plan one hundred and 75/100 (100.75) feet. Containing according
to said plan, six thousand forty-four (6044) square feet, more or less.

Together with the fee, in so far as there is the right to convey
the same, of all the streets and ways shown on said plan, in common with
the owners of the other lots shown on said plan, and subject to the
right of all said lot owners to make any customary use of said streets
and ways. No house shall be built on said lots costing less than four
hundred dollars.

Being the same premises conveyed to the party of the first part
by Michael A. and Dorothy Brander, his wife by deed dated January 5, 1963,
recorded in the Orange County Clerk's Office on January 15, 1963 in Liber
1632 of deeds at page 677.

RECEIVED JAN 3 1996 96-1

Standard N.Y.B.T.U. Form 8007

Bargain and Sale Deed with Covenant against Grantor's Acts — Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 17th day of SEPTEMBER, nineteen hundred and eighty-eight
BETWEEN
MARY GRACE FARICELLIA, residing at 126 Walsh Avenue,
New Windsor, New York 12550;

party of the first part, and *Smj.*
CARMEN MONACO, residing at P.O. Box 292, Prospect Hill
Road, Wallkill, New York 12589;

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND NO/100----- dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors
and assigns of the party of the second part forever, and other good and valuable consideration

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and
being in the Town of New Windsor, County of Orange and State of New York, being lots
numbered 463 and 464 on a map or plan of City Park dated August 16, 1900 made by
A.L. Eliot, C.E., and filed in the office of the Orange County Clerk on August 30th,
1909.

TOGETHER with the fee of all the streets, avenues, boulevards, roads, paths, alleys
and sidewalks, shown on said plan, in common with the owners of the other lots
shown on said plan and subject to the right of all of said lot owners to make any
customary use of said streets, avenues, boulevards, roads, paths, alleys and side-
walks.

BEING the same premises conveyed by Louis Brander to Dominick Faricellia by Deed
dated December 20, 1962, recorded in the Orange County Clerk's Office on December
22, 1962 in Liber 1631 of Deeds at page 1032, the said Dominick Faricellia having
died a resident of the Town of New Windsor, Orange County, New York, on August 12,
1968, leaving a Last Will and Testament which was admitted to Probate by the
Surrogate of Orange County on August 10, 1971, and Letters Testamentary having
been issued to Carmine Damario on August 10, 1971.

LG 20

RECEIVED JAN 3 1966

TUTTLEMAN REGISTERED U. S. PAT. OFFICE
TUTTLEMAN LAW FIRM PUBLISHED BY STATE

Chris Indenture

Made the 96th - 1 day of
September, Nineteen Hundred and Eighty-eight,
Between

MARIE
MICHAEL COLANDREA and ELENA COLANDREA, husband and wife, both residing at 83 Clancy Avenue, Town of New Windsor, Orange County, New York,

parties of the first part, and

CARMEN MONACO, residing at Prospect Hill Road, P.O. Box 292, Wallkill, New York,

party of the second part,
Witnesseth that the parties of the first part, in consideration of ONE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100-----Dollar (\$175,000.00) lawful money of the United States, paid by the party of the second part, do hereby grant and release unto the party of the second part, his heirs and assigns forever, all that lot, parcel or piece of land situate in the Town of New Windsor, County of Orange, State of New York, and being Lots #451, #452, #465 & #466 as shown on the map entitled "City Park ... Owned by J. W. Wilbur" filed map number 647 and filed August 30, 1909 in the Orange County Clerk's Office, Goshen, New York, and being more particularly described as follows:

Beginning at a point on the Southwesterly line of Walsh Road, said point of beginning being the most Northerly corner of lands now or formerly Faricellia, said point of beginning also being the most Easterly corner of the herein described parcel; thence from said point of beginning and along the Northwesterly line of lands of said Faricellia, (1) South 55 degrees 13 minutes 00 seconds West 180.75 feet to the Easterly line of Clancy Avenue; thence along said line (2) North 34 degrees 47 minutes 00 seconds West 60.00 feet; thence along the Southerly line of Lot #467 as shown on the above referenced filed map, and along the remains of an old fence line for the most part, (3) North 55 degrees 13 minutes 00 seconds East 180.75 feet to the Southwesterly line of Walsh Road; thence along said line (4) South 34 degrees 47 minutes 00 seconds East 60.00 feet to the point of beginning as shown on a survey map prepared by Barger, Gray & Railing, P.C., dated August 12, 1908.

Containing 10,845 square feet, or 0.249 acres.

Subject to any right-of-way, easement, covenant, or restriction of record.

13-2-21²²

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 04 January 1996

SUBJECT: Monaco Lot Line Change

Planning Board Reference Number: PB-96-1

Dated: 3 January 1996

Fire Prevention Reference Number: FPS- 96-001

A review of the above referenced subject lot line change was conducted on 4 January 1996.

This lot line change is acceptable.

Plan Dated: 20 December 1995.

Robert F. Rodgers

Robert F. Rodgers, C.C.A.
Fire Inspector

RFR/dh



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96 - 1

DATE PLAN RECEIVED: RECEIVED JUN 3 1996

The maps and plans for the Site Approval ✓
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved ✓,
disapproved _____.

If disapproved, please list reason _____

W. James Sullivan 1/6/96
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96-1

DATE PLAN RECEIVED: RECEIVED JAN 3 1996

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

Calvin Mason's _____ has been

reviewed by me and is approved ☒ _____,

disapproved ☐ _____.

If disapproved, please list reason _____

low water solidifying this for

HIGHWAY SUPERINTENDENT _____ DATE _____

Stan D. D'Amico 1-4-96
WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____



TOWN OF NEW WINDSOR

96-1

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

"XX"

APPLICATION TO:
TOWN OF NEW WINDSOR PLANNING BOARD

RECEIVED JAN 3 1996

17 TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Chg. X Site Plan _____ Spec. Permit _____

1. Name of Project CARMEN MONACO SITE PLAN, LOT-LINE CHANGE, & MOBILE HOME PARK
2. Name of Applicant CARMEN MONACO Phone 563-0305
Address 120 WALSH AVE NEW WINDSOR N.Y. 12553
(Street No. & Name) (Post Office) (State) (zip)
3. Owner of Record CARMEN MONACO Phone (SAME)
Address (SAME)
(Street No. & Name) (Post Office) (State) (zip)
4. Person Preparing Plan GREVAS & HILDRETH, L.S., P.C.
Address 33 QUASSAICK AVE NEW WINDSOR N.Y. 12553
(Street No. & Name) (Post Office) (State) (zip)
5. Attorney DANIEL J. BLOOM Phone 561-6920
Address 530 BLOOMING GROVE TURNPIKE NEW WINDSOR N.Y. 12553
(Street No. & Name) (Post Office) (State) (zip)
6. Person to be notified to represent applicant at Planning Board Meeting GREVAS & HILDRETH, L.S., P.C. Phone 562-8667
(Name)
7. Project Location: On the WEST side of WALSH AVE
(street)
200 feet SOUTH of CAROL AVE
(direction) (street)
FRONTAGE ON CLANCY AVE OPPOSITE CHERRY AVE
8. Project Data: Acreage of Parcel 0.5 Zone R-4,
School Dist. NBCSD
9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Y _____ N X

If you answer "yes" to question 9, please complete the attached Agricultural Data Statement.

10. Tax Map Designation: Section 13 Block 2 Lots 2,3,20 & 22

11. General Description of Project: LOT LINE CHANGE AND SITE PLAN
APPROVAL FOR SINGLE FAMILY RESIDENCE, AUTO SALES, ^{FIVE} APARTMENTS AND
SEWING MACHINE SHOP; SPECIAL PERMIT APPROVAL FOR MOBILE HOME PARK (3 UNITS)
RE-STRUCTURING OF FOUR TAX LOTS INTO THREE TAX LOTS

12. Has the Zoning Board of Appeals granted any variances for this property? yes X no.

13. Has a Special Permit previously been granted for this property? yes X no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the property owner, a separate notarized statement from the owner must be submitted, authorizing this application.

STATE OF NEW YORK)

SS.:


COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application and supporting documents and drawings are true and accurate to the best of his/her knowledge and/or belief. The applicant further acknowledges responsibility to the Town for all fees and costs associated with the review of this application.

Sworn before me this

19th day of DECEMBER 1995


Applicant's Signature


KATHLEEN A. VALK
Notary Public, State of New York
Qualified in Ulster County
No. 4996432
Commission Expires May 18, 1996

TOWN USE ONLY:

RECEIVED JAN 3 1996
Date Application Received

96 - 1
Application Number

RECEIVED JAN 3 1996
96-1
"XX"

APPLICANT'S PROXY STATEMENT
(for professional representation)

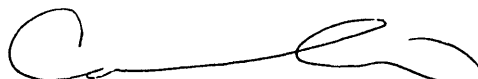
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

CARMEN MONACO, deposes and says that he
(Applicant)
resides at 292 PROSPECT HILL ROAD, NEWBURGH
(Applicant's Address)
in the County of ORANGE
and State of NEW YORK
and that he is the applicant for the CARMEN MONACO SITE PLAN
LOT-LINE CHANGE & MOBILE HOME PARK
(Project Name and Description)

which is the premises described in the foregoing application and
that he has authorized GREVAS & HILDRETH, L.S., P.C.
(Professional Representative)

to make the foregoing application as described therein.

Date: 12-19-95


(Owner's Signature)

Kathleen A. Walk
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

If applicable "XX"

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Site Plan Title | 29. <input checked="" type="checkbox"/> Curbing Locations |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s) | 30. <input checked="" type="checkbox"/> Curbing Through Section |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es) | 31. <input checked="" type="checkbox"/> Catch Basin Locations |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name | 32. <input checked="" type="checkbox"/> Catch Basin Through Section |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address | 33. <input checked="" type="checkbox"/> Storm Drainage |
| 6. <input checked="" type="checkbox"/> Drawing Date | 34. <input checked="" type="checkbox"/> Refuse Storage |
| 7. <input checked="" type="checkbox"/> Revision Dates | 35. <input checked="" type="checkbox"/> Other Outdoor Storage |
| 8. <input checked="" type="checkbox"/> Area Map Inset | 36. <input checked="" type="checkbox"/> Water Supply |
| 9. <input checked="" type="checkbox"/> Site Designation | 37. <input checked="" type="checkbox"/> Sanitary Disposal System |
| 10. <input checked="" type="checkbox"/> Properties Within 500' of Site | 38. <input checked="" type="checkbox"/> Fire Hydrants |
| 11. <input checked="" type="checkbox"/> Property Owners (Item #10) | 39. <input checked="" type="checkbox"/> Building Locations |
| 12. <input checked="" type="checkbox"/> Plot Plan | 40. <input checked="" type="checkbox"/> Building Setbacks |
| 13. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser) | 41. <input checked="" type="checkbox"/> Front Building Elevations |
| 14. <input checked="" type="checkbox"/> Metes and Bounds | 42. <input checked="" type="checkbox"/> Divisions of Occupancy |
| 15. <input checked="" type="checkbox"/> Zoning Designation | 43. <input checked="" type="checkbox"/> Sign Details |
| 16. <input checked="" type="checkbox"/> North Arrow | 44. <input checked="" type="checkbox"/> Bulk Table Inset |
| 17. <input checked="" type="checkbox"/> Abutting Property Owners | 45. <input checked="" type="checkbox"/> Property Area (Nearest 100 sq. ft.) |
| 18. <input checked="" type="checkbox"/> Existing Building Locations | 46. <input checked="" type="checkbox"/> Building Coverage (sq. ft.) |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas | 47. <input checked="" type="checkbox"/> Building Coverage (% of Total Area) |
| 20. <input checked="" type="checkbox"/> Existing Vegetation | 48. <input checked="" type="checkbox"/> Pavement Coverage (sq. ft.) |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress | 49. <input checked="" type="checkbox"/> Pavement Coverage (% of Total Area) |
| <u>PROPOSED IMPROVEMENTS</u> | |
| 22. <input checked="" type="checkbox"/> Landscaping | 50. <input checked="" type="checkbox"/> Open Space (sq. ft.) |
| 23. <input checked="" type="checkbox"/> Exterior Lighting | 51. <input checked="" type="checkbox"/> Open Space (% of Total Area) |
| 24. <input checked="" type="checkbox"/> Screening | 52. <input checked="" type="checkbox"/> No. of Parking Spaces Prop. |
| 25. <input checked="" type="checkbox"/> Access & Egress | 53. <input checked="" type="checkbox"/> No. of Parking Spaces Req. |
| 26. <input checked="" type="checkbox"/> Parking Areas | |
| 27. <input checked="" type="checkbox"/> Loading Areas | |
| 28. <input checked="" type="checkbox"/> Paving Details
(Items 25-27) | |

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. N/A Referral to Orange County Planning Dept. required for all applicants filing AD Statement.
55. N/A A Disclosure Statement, in the form set below must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This list is provided as a guide only and is for the convenience of the applicant. the Town of Ne Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with the checklist and the Town of New Windsor Ordinances, to the best of my knowledge

By: William B. Hedlund, L.S.
Licensed Professional

Date: 19 DECEMBER 1995

RECEIVED JAN 3 1996

96 - 1

ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance ☒

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

THIS PROPERTY IS NOT IN A FLOOD ZONE

William B. Alden, C.S.

PROJECT I.D. NUMBER

617.21

Appendix C

96

1

SEQR

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>CARMEN MONACO</i>	2. PROJECT NAME <i>SITE PLAN, LOT-LINE CHANGE & MOBILE HOME PARK</i>
3. PROJECT LOCATION: Municipality <i>TOWN OF NEW WINDSOR</i> County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>WEST SIDE OF WALSH AVE 200' SOUTH OF CAROL AVE FRONTAGE ON CLANCY AVE OPPOSITE CHERRY AVE TAX MAP SECTION 13 BLOCK 2 LOTS 2, 3, 20 AND 22</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>LOT LINE CHANGE AND SITE PLAN APPROVAL FOR SINGLE FAMILY RESIDENCE, AUTO SALES, FIVE APARTMENTS AND SEWING MACHINERY SHOP. SPECIAL PERMIT APPROVAL FOR MOBILE HOME PARK (3 UNITS) RE-STRUCTURING OF FOUR TAX LOTS INTO THREE TAX LOTS</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>0.5</i> acres Ultimately <i>0.5</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>USE AND AREA VARIANCES REQUIRED FOR APPROVAL</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <i>TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS USE AND AREA VARIANCES</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>N/A</i>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>CARMEN MONACO</i>	Date: <i>19 DEC. 1995</i>
Signature: <i>William B. Johnson, L.S. (PREPARED)</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (to be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☐ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date